

ORDINANCE NO. 11-22

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 74 ENTITLED "SIGNS", ARTICLE III. REGULATIONS, DIVISION 1. GENERALLY, OF THE CODE OF ORDINANCES BY REVISING HIALEAH CODE § 74-147. REQUIRED SIGNS, TO PROVIDE REGULATIONS RELATING TO SIGNS RELATING TO THE LETHAL DANGER OF CARBON MONOXIDE INHALATION AND EXPOSURE FROM ENGINES RUNNING IN MOTOR VEHICLES AND FROM GENERATORS AND OTHER OPERATING FOSSIL FUEL BURNING DEVICES OPERATING WITHIN ENCLOSED GARAGES IN MOTELS, HOTELS, APARTMENT HOTELS, CONDOMINIUMS AND ROOMING HOUSES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the general purpose and intent of this ordinance is for the health, safety, welfare, aesthetics, order, and proper regulation and administration of the City of Hialeah and its residents;

WHEREAS, the specific purpose and intent of this ordinance is to provide sign regulations to warn occupants, residents, visitors or invitees in hotels, motels, apartment hotels, apartment buildings, condominiums and rooming houses, of the lethal danger of inhalation of and exposure to carbon monoxide from exhaust fumes from engines running in motor vehicles, generators and other operating fossil fuel burning devices operating within enclosed garages on properties where such garages are connected to residential units or bedrooms directly or indirectly, through hallways, corridors or internal stairways; and

WHEREAS, the Planning and Zoning Board at its meeting of March 23, 2011 recommended approval of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: Chapter 74 entitled "Signs", Article III., Regulations, Division 1. Generally, of the Code of Ordinances of the City of Hialeah, Florida is hereby amended, by revising Hialeah Code § 74-147 entitled "Required signs", to read as follows:

Chapter 74

SIGNS

* * *

ARTICLE III. REGULATIONS.

DIVISION 1. GENERALLY.

* * *

Sec. 74-147. Required signs.

Required signs shall be as follows:

(1) Safety signs, safety markings prescribed by fire authorities.

(2) House or building numbers as follows:

* * *

g. Carbon monoxide lethal warning signs. At least two carbon monoxide lethal warnings signs shall be affixed to the interior walls of the garage, at a height easily visible and readable for a driver or passenger entering or exiting a motor vehicle providing language that explicitly warns people of the lethal danger of carbon monoxide exposure or inhalation from exhaust fumes from engines running in motor vehicles and from generators and other fossil fuel burning devices operating in enclosed garages. These warning signs shall be required on properties where motels, hotels, apartment hotels, condominiums and rooming houses with enclosed garages are located and where such garages are directly connected to residential units or bedrooms or indirectly connected to residential units or bedrooms through hallways, corridors or internal stairways. Each sign shall be at least 24 inches in height and at least 24 inches in width and shall

provide in bold lettering in capitals at the top of the sign the words "CARBON MONOXIDE WARNING". All signs shall be approved by the city fire marshal pursuant to a sign permit that requires an application and inspection fee of \$50.00 for signage within each enclosed garage and \$150.00 for signage for two or more garages within each free-standing or separate motel building, apartment building, condominium building or rooming house on the property. The application and inspection fee is waived for not-for-profit corporations that are organized and operate for the purpose of educating the public on the dangers of carbon monoxide exposure,

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Section 2: **Repeal of Ordinances in Conflict.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: **Penalties.**

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: **Inclusion in Code.**

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Hialeah, as an addition or amendment thereto, and the sections of this ordinance shall be renumbered to conform to the uniform numbering system of the Code.

Section 5: Severability Clause.

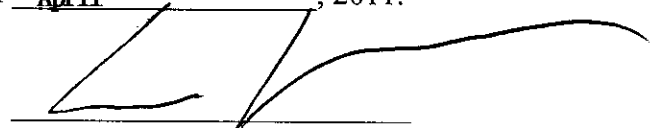
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 6: Effective Date.

This ordinance shall become effective when passed by the City Council and when signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

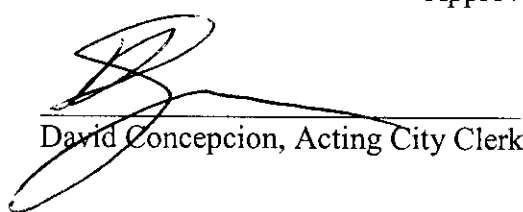
PASSED AND ADOPTED this 26th day of April, 2011.

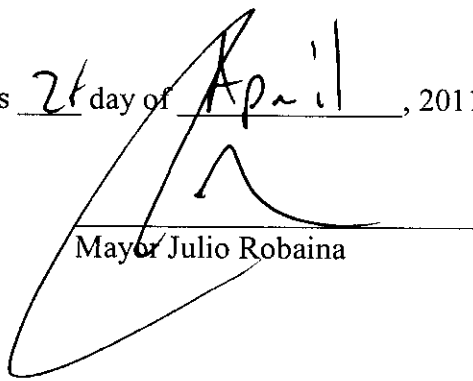
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.


Carlos Hernandez
Council President

Attest:

Approved on this 26 day of April, 2011.


David Concepcion, Acting City Clerk


Mayor Julio Robaina

Approved as to form and legal sufficiency:


William M. Grodnick, City Attorney

~~Strikethrough~~ indicates deletion. Underline indicates addition.

Ordinance was adopted by a unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue-Fuente, Garcia-Martinez, Gonzalez, Hernandez, and Yedra voting "Yes".